IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 19662of 2006

Date of Decision : 18.12.2006

Amrik Singh ... Petitioner

Versus

State of Punjab .. Respondent

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. B.S. Sewak, Deputy Advocate General, Punjab,
for the respondent.

S.D. Anand, J.

In the present writ petition, the grievance of the petitioner was that though sealed cover procedure had been adopted in the relevant Departmental Promotion Committee on account of the pendency of the charge-sheet against him at the relevant point of time, the respondent had not given effect to the sealed cover procedure inspite of the fact that the charge-sheet aforementioned had since been dropped. This averment was noticed by us while issuing notice of motion to the respondent on 12.12.2006 by recording the following order:-

> "Learned counsel for the petitioner states that the sealed cover procedure was adopted by the Departmental Promotion Committee, while considering the claim of the petitioner for promotion to the post of General Manager. This, according to the learned counsel for the petitioner, was done on account of the pendency of a charge sheet against the petitioner. It is

pointed out, that the charge sheet has since been dropped, but the respondent has not given effect to the sealed cover procedure.

Notice of motion.

On our asking, Mr. B.S. Chahal, AAG Punjab, accepts notice on behalf of the respondent.

Learned counsel for the respondent seeks an adjournment so as to enable him to obtain instructions in the matter.

List again on December 18, 2006.

Be shown in the urgent list.

A copy of this order be furnished to the learned counsel for the respondent under the signature of the Court Secretary attached to this Court."

In the course of hearing today, learned Deputy Advocate General, Punjab, appearing on behalf of the respondent has informed us that the charge-sheet against the petitioner consisted of three charges out of which only two were dropped and a penalty of stoppage of one increment without cumulative effect was imposed upon the petitioner under the third charge. Learned counsel for the petitioner, in the face of that averment, acknowledges that the imposition of afore-mentioned penalty had been ordered before the present petition was filed. It is obvious in the circumstances of the case that the petitioner did not come to this Court with clean hands and is, thus, guilty of concealment of facts having a relevant bearing on the consideration of the claim raised by the petitioner. The obtaining of an order of notice of motion on the basis of concealment of relevant fact dis-entitles the petitioner to the grant of any further relief.

The petition shall stand dismissed. By having resorted to concealment of facts and thereby abusing the process of the Court, the petitioner has become liable to pay costs. It is ordered accordingly that the the dismissal of the petitioner would be with costs of Rs.5,000/- which shall be deposited by the petitioner with the Secretary, State Legal Services Authority, Punjab, within one month from today and the receipt shall be placed on the record of this Court. In case no such receipt is placed on the record of this case within one month from today, the instant writ petition will be posted for further hearing before a motion Bench.

(S.D. Anand)
Judge

December 18, 2006
vkd

(J.S. Khehar)
Judge